

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JAMES AVERY CRAFTSMAN, INC.,

Plaintiff,

v.

PRASHANT GURNANI d/b/a ORO
GRANDE, et al.,

Defendants.

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Civil Action No. SA-09-CV-925-XR

**UNOPPOSED MOTION FOR LEAVE
TO AMEND COMPLAINT AND ADD DEFENDANT**

Pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, and Local Rule CV-7(c), Plaintiff James Avery Craftsman, Inc. (“JAC”) hereby files this Motion for Leave to Amend Complaint and Add Defendant.

This is a copyright infringement action that alleges claims for copyright infringement, contributory copyright infringement, and vicarious copyright infringement against the currently-named Defendants. On November 19, 2009, JAC filed its Original Complaint naming as defendants (i) Prashant Gurnani d/b/a Oro Grande, (ii) unknown individual John Does, and (iii) unknown XYZ Companies. On January 14, 2010, JAC filed its First Amended Complaint adding Gold Coin, Inc.; Sanjay Rupani; Renu Kishin Rupani; and Maricruz Anfield as defendants.

On January 26, 2010, defendants Gold Coin, Inc., Sanjay Rupani and Renu Kishin Rupani filed their answers (Doc. 20). Pursuant to the Court’s Order Granting Motion for Extension of Time to Answer, Defendant Gurnani filed his answer on February 1, 2010 (Doc. 22). Defendant Maricruz Anfield served her answer on JAC’s counsel on February 7, 2010. The Court has ordered the parties

to submit a proposed scheduling order by March 3, 2010 (Doc. 21), but no such order currently governs the discovery or deadline to add new parties in this case.

Through continued investigation of the factual matters that form the bases of the infringement claims against the currently-named defendants, JAC has identified another party involved in the infringing behavior. Accordingly, JAC requests leave of the Court to amend its complaint to add another defendant, Gianni Deloro, LLC. A copy of the proposed Second Amended Complaint is attached hereto as Exhibit A. Defendants Gurnani, Gold Coin, Inc., Sanjay Rupani, Renu Kishin Rupani, and Anfield do not oppose this Motion.

WHEREFORE, premises considered, JAC requests leave of the Court to amend its complaint to add Gianni Deloro, LLC as another defendant in this lawsuit, and such other and further relief to which JAC may be entitled.

Dated: February 8, 2010

Respectfully submitted,

By: /s/ Meagan M. Gillette
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Attorneys for Plaintiff, James Avery Craftsman, Inc.

Certificate of Conference

On February 8, 2010, Plaintiff's counsel conferred with counsel for Defendant Gurnani, counsel for Defendants Gold Coin, Inc., Sanjay Rupani and Renu Kishin Rupani, and counsel for Defendant Anfield regarding the relief requested in the foregoing Motion. Counsel for such defendants stated that they do not oppose the requested relief.

/s/ Meagan M. Gillette

Meagan M. Gillette

Certificate of Service

I hereby certify that on February 8, 2010, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Western District of Texas, using the electronic case files system of the Court. The electronic case files system sent a "Notice of Electronic Filing" to the following individuals who have consented in writing to accept this Notice as service of this document by electronic means:

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